

11/17 (7)

**Christine Joyce**

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**From:** Robert Evans  
**Sent:** Sunday, November 09, 2003 12:41 PM  
**To:** Board of Selectmen  
**Subject:** Dump

Gentlemen:

Why do you support old houses (East Acton) but not old traditions? Here I refer to campaigning at the dump site. For the 40 plus years I have lived in Acton there has always been campaigning at the dump. Now you have a sign that forbids it. Please change this policy.

I believe your policy is also a violation of my right of free speech, and a court would strike it down if it got to that, including costs to the town.

Bob Evans

11/14/2003

**Christine Joyce**

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**From:** Walter Foster II  
**Sent:** Monday, November 10, 2003 10:31 AM  
**To:** Robert Evans; Board of Selectmen  
**Cc:** Don Johnson  
**Subject:** Re: Dump

Bob - Thanks for your email. I believe you have seen Trey's response about campaigning at the dump. I will have Don look into this issue regarding the sign and confirm what the policy is currently. It does appear that some people have campaigned beyond the entry way "hut" down by the line that forms just before the transfer station itself. We will confirm for you what the policy is and if you have concerns will address those at our next public meeting. I think issues like this that you raise should be shared with the general public so that they are aware of other citizens concerns and not just have discussions in cyberspace without input and opportunity for others to contribute. Thanks.

Walter Foster

Gentlemen:

Why do you support old houses (East Acton) but not old traditions? Here I refer to campaigning at the dump site. For the 40 plus years I have lived in Acton there has always been campaigning at the dump. Now you have a sign that forbids it. Please change this policy.

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Bob Evans

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(7)

**Christine Joyce**

**From:** Trey Shupert  
**Sent:** Monday, November 10, 2003 9:37 AM  
**To:** Robert Evans  
**Cc:** Board of Selectmen; Don Johnson  
**Subject:** RE: Dump

Bob:

When I ran for re-election in 1992, I was told by the Highway Dept. person at the Dump that I could not get campaign signatures at the dump nor pass out literature. I was surprised at this and ask why. He said that he had a letter from the Town Manager stating that those were the orders. I asked to see the letter and he got somewhat angry and said he didn't have it available at that time. I then asked him when the rule was put in place because I had signed Don MacKenzie's nomination papers at the dump building bays the week before. His response was "I can't control what Don MacKenzie does." This guy was not in the mood for a debate so, thinking discretion was the better part of valor, I left and talked to Don Johnson the following Monday. Don reported that there had been numerous complaints from residents about being pressured for signatures and campaigning at the dump windows. This held up people trying to dump trash and ended up causing back ups (I was in a back up that went all the way out the entrance and on to Rt. 2). Don said the letter was meant to be a guideline and asked the highway Dept. personnel to direct campaigners to set up on the road coming into the dump in front of the small Admin/Inspection building. That way we could keep traffic at the recycling area and dump moving quickly. That seemed reasonable to me and a good compromise. To the best of my knowledge, that's the policy that is currently in place; people can set up and campaign on the road in front of the admin. building.

One other consideration is the laws against campaigning on public property or during public meetings. I've never really checked into the specifics, but I understand that campaigning on public property is against various local, state and federal laws.

I'm not familiar with the sign you are talking about (It was either recently put up - election season is around the corner - or I've just never noticed it) but I will check with Don Johnson.

I think the transfer station is a great (tried and true) campaign location.

Regards,  
Trey

----- Original Message -----

**From:** evans  
**To:** Board of Selectmen  
**Sent:** 11/9/2003 12:45:04 PM  
**Subject:** Dump

Gentlemen:

Why do you support old houses (East Acton) but not old traditions? Here I refer to campaigning at the dump site. For the 40 plus years I have lived in Acton there has always been campaigning at the dump. Now you have a sign that forbids it. Please change this policy.

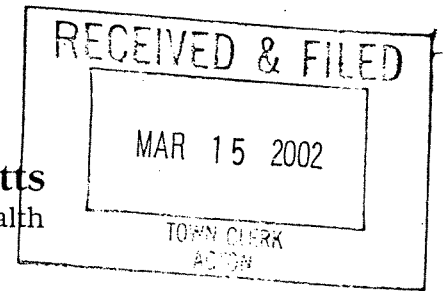
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Bob Evans

11/14/2003



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Elections Division



## SOLICITATION OF SIGNATURES IN PUBLIC PLACES

Both the United States and Massachusetts Constitutions protect the right to solicit signatures on nomination papers and ballot question petitions in a reasonable and unobtrusive manner in open public areas. This includes the public areas of municipal property as well as the common areas of privately owned shopping centers. Distribution of printed material in connection with signature solicitation is also protected. The right of signature solicitation (along with other free-speech activities) on municipal sidewalks, in parks and in similar open public areas is clear. Hague v. CIO, 307 U.S. 496, 515-16 (1939).

### ***Public Areas of Privately Owned Shopping Centers:***

The state Supreme Judicial Court has provided guidance specifically to those persons gathering signatures in privately owned shopping centers. Batchelder v. Allied Stores International, Inc., 388 Mass. 83, 445 N.E.2d 590 (1983). Although the Batchelder Court ruling was limited to gathering signatures on candidates' nomination papers, this standard also applies to gathering signatures on initiative and referendum petitions, under the Massachusetts Constitution. Mass. Const. amend art. 48. Shopping centers may adopt reasonable regulations that require signature gatherers to identify themselves, prevent them from harassing customers and obstructing pedestrian traffic, and allocate space and times among different groups of petitioners. It is therefore suggested that solicitors contact the management company of a privately owned shopping center to arrange for a mutually convenient time for such activity.

### ***Municipal Property:***

In Batchelder the Supreme Judicial Court held that Article 9 of the Massachusetts Constitution protects the right to solicit signatures, and to distribute related printed material, in the common areas of privately owned shopping centers, subject to reasonable regulations. At least the same amount of protection must apply on municipal property that is regularly open to the general public for municipal business. Therefore, ballot-access and nomination paper signature solicitation must be allowed on municipal property that is regularly open to the general public for municipal business, subject only to reasonable time, place and manner regulations.

Please do not hesitate to contact Michelle K. Tassinari, Legal Counsel, at 617.727.2828 or 1.800.462.VOTE for more information on the right of individuals to gather signatures in public places.

03/02